



MAR 26 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

#6

Clifton W. Thompson
Thorpe North & Western LLP
P.O. Box 1219
Sandy, Utah 84091-1219

In re Application of
SELFRIDGE et al.
Application No.: 09/787,972
PCT No.: PCT/US99/19580
Int. Filing Date: 26 August 1999
Priority Date: 24 September 1998
Attorney Docket No.: T7029CIPPCT
For: PARAMETRIC LOUDSPEAKER WITH
ELECTRO-ACCOUSTICAL
DIAPHRAGM TRANSDUCER

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is in response to applicant's "Renewed Submission under 37 CFR 1.42" filed via facsimile on 17 January 2002 and facsimile communication filed 20 March 2002. In a decision dated 14 September 2001, applicants' request filed 25 June 2001 was dismissed because the declaration was defective under 37 CFR 497(b).

On 17 January 2002, applicants filed the "Renewed Submission under 37 CFR 1.42" accompanied by an declaration/power of attorney executed by Margaret Johnson Selfridge as the "administrator" of the deceased inventor, Alan Robert Selfridge.

On 17 March 2002, applicants filed a facsimile communication which was accompanied by postcard receipt showing the mailing of a Renewed Submission under 37 CFR 1.42. The postcard receipt is date stamped 10 January 2002.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 17 January 2002 is executed by Margaret Johnson Selfridge as the "administrator" of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 17 January 2002.

Applicants have provided a copy a postcard receipt showing that the Renewed Submission under 37 CFR 1.42 was filed 10 January 2002. The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all

the items being submitted. See MPEP 503. The copy of the postcard submitted with the petition bears a date stamp of "10 JAN 2002" for this application but does not itemize the declaration and power of attorney which allegedly accompanied the renewed submission under 37 CFR 1.42. Accordingly, the postcard receipt does not constitute prima facie evidence of receipt of the declaration and power of attorney on 10 January 2002 and therefore, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed on 17 January 2002.

CONCLUSION


The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 26 August 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **17 January 2002**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national



Leonard Smith
PCT Legal Examiner
PCT Legal Office



Anthony Smith
Attorney-Advisor
PCT Legal Office
Tel: (703) 308-6314
Fax: (703) 308-6459